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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/528,971

03/23/2005

Andreas Wehrle

3245

1470

7590

11/16/2005

Striker Striker & Stenby
103 East Neck Road
Huntington, NY 11743

EXAMINER

NGUYEN, HANH N

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/528,971

Applicant(s)

WEHRLE, ANDREAS

Examiner

Nguyen N. Hanh

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2834

pm

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed on 3/23/2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. Copy of English Abstract for JP 2001-231189 was not received (English Abstract for JP 2003-045453 was received instead). It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Recep et al. (DE 10152502) in view of Shiga et al.

Regarding claim 1, Recep et al. disclose an electrical machine, in particular a direct current motor for vehicles, having a multi-pole stator which has an annular pole housing and a plurality of magnets that are located on the inside face of the pole housing (Abstract), and having a magnet splinter guard (27 in Fig. 1), which shields the magnets inward in the radial direction toward the rotor, characterized in that the magnet splinter guard (27) is formed from a rectangular blank, and on each of the ends of the

magnet splinter guard (27) located in the axial direction, a respective centering ring (29 and 30) is located, for centering the magnet splinter guard (27). Recep et al. fail to show an overlapping region (4), extending in the circumferential direction over the axial length of the magnet splinter guard (27)

However, Shiga et al. discloses an electrical machine including an overlapping region (6 in Figs. 6 and 7), extending in the circumferential direction over the axial length of the magnet splinter guard for the purpose of securely press-fitting permanent magnets to a cylindrical yoke (Col. 1, lines 45-58).

Since Recep et al. and Shiga et al. are in the same field of endeavor, the purpose disclosed by Shiga et al. would have been recognized in the pertinent art of Recep et al.

It would have been obvious at the time the invention was made to a person having an ordinary skill in the art to modify Recep et al. by forming an overlapping region, extending in the circumferential direction over the axial length of the magnet splinter guard as taught by Shiga et al. for the purpose of securely press-fitting permanent magnets to a cylindrical yoke.

Regarding claim 2, Recep et al. disclose an electrical machine wherein the magnet splinter guard (27), in the installed state, automatically exerts a radially outward-oriented prestressing force on the magnets (2).

Regarding claim 3, Recep et al. disclose an electrical machine wherein the centering rings (29) each have a tapering region (291).

Regarding claim 4, Recep et al. disclose an electrical machine wherein the centering rings (29 and 30) enclose the magnets between the pole housing and the magnet splinter guard (Abstract).

Regarding claim 5, Shiga et al. disclose an electrical machine wherein the magnets (3 in Fig. 6) have a pole lift, and the overlapping region (6) of the magnet splinter guard (4) is located on the pole lift.

Regarding claim 7, Shiga et al. disclose an electrical machine wherein the axial ends (4C in Fig. 7) of the magnet splinter guard (4) are slightly bent radially outward.

Regarding claim 8, Shiga et al. disclose an electrical machine wherein the magnet splinter guard (4) at the overlapping region (6) has a graduated region, so that the magnet splinter guard (4) in the installed state has a constant inside diameter (Fig. 6).

Regarding claim 9, Shiga et al. disclose an electrical machine wherein the magnet splinter guard (4 in Fig. 6) is joined to the overlapping region (6) in captive fashion.

Regarding claim 10, Recep et al. disclose an electrical machine wherein the tapering region (291) of the centering rings (29) is embodied as an outward-bulging region.

3. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Recep et al. (DE 10152502) in view of Shiga et al. and further in view of Sickel et al.

Regarding claim 6, Recep et al. and Shiga et al. show all limitations of the claimed invention except for showing a clamping strip, which is located on the outer

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circumference of the magnet splinter guard and in the installed state is located between two magnets.

However, Sickle et al. discloses an electrical machine including a clamping strip (16B and 16C in Fig. 3), which is located on the outer circumference of the magnet splinter guard (24B) and in the installed state is located between two magnets (24) for the purpose of preventing corrosion of the permanent magnets (Col. 1, lines 35-40).

Since Recep et al., Shiga et al. and Sickle et al. are in the same field of endeavor, the purpose disclosed by Sickle et al. would have been recognized in the pertinent art of Recep et al. and Shiga et al.

It would have been obvious at the time the invention was made to a person having an ordinary skill in the art to modify Recep et al. and Shiga et al. by forming a clamping strip, which is located on the outer circumference of the magnet splinter guard and in the installed state is located between two magnets as taught by Sickle et al. for the purpose of preventing corrosion of the permanent magnets.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh N Nguyen whose telephone number is (571) 272-2031. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg, can be reached on (571) 272-2044. The fax phone numbers for the organization where this application or proceeding is assigned are (571)

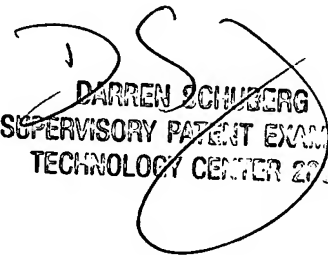
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273-8300 for regular communications and (571) 273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

HNN

November 10, 2005


DARREN SCHUBERGER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2834